IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.895 OF 2006

Sou.Ratnabai Dinkar Naik .. Appellant.
Vs.
Maruti Ganpati Patil .. Respondent.

Ms.Madhavi Tavanandi for the appellant.

CORAM : D.B.BHOSALE, J.

DATED : 15TH JANUARY, 2007

P.C.:

. Heard learned counsel for the appellant.

2. This appeal is directed against the concurrent findings recorded by the courts below by which the suit filed by the respondent-plaintiff for redemption of mortgage of the property bearing Gat No.544 admeasuring 70 R has been decreed. The property was originally owned by one Saubai. Admittedly, the property was mortgaged to the defendant for a period of five years for Rs.15,000/-. The mortgage deed was executed on 16.2.1993. The period of mortgage expired on 16.2.1998. During this period Saubai sold the property to the plaintiff by registered sale deed dated 19.12.1995. On 3.1.1998, the plaintiff issued notice to the defendant for redemption of mortgage. Both the courts below after having consider the entire

material on record have concurrently held that the sale deed executed by Saubai in favour of the plaintiff stands proved and that he is entitle to seek redemption of mortgage. Merely because, as contended by the learned counsel for the appellant, the mortgagee invested substantial amount in development of the property that by itself cannot be a ground for showing any indulgence by the court. The defendant lost all the rights in the property on expiry of five years of mortgage. Considering that there are concurrent findings recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court under section 100 of the Code of Civil Procedure to disturb the findings of fact this second appeal fails and is dismissed as such.

(D.B.Bhosale, J.)